

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

Jacquita King,

Plaintiff,

vs.

Medical Data Systems, Inc.,  
a foreign corporation,

Defendant.

Case No.:

**COMPLAINT**

**JURY TRIAL DEMAND**

NOW COMES THE PLAINTIFF, JACQUITA KING, BY AND  
THROUGH COUNSEL, FRANCIS ARENAS, ESQ., and for her Complaint  
against the Defendant, Medical Data Systems, Inc., (“Defendant”) pleads as  
follows:

**JURISDICTION**

1. This court has jurisdiction under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.

**VENUE**

2. The transactions and occurrences which give rise to this action occurred in the City of Las Vegas, Clark County, Nevada.
3. Venue is proper in the District of Nevada.

### **PARTIES**

4. Plaintiff is a natural person residing in City of Las Vegas, Clark County, Nevada.
5. The Defendant to this lawsuit is Medical Data Systems, Inc., which is a foreign corporation that conducts business in the state of Nevada.

### **GENERAL ALLEGATIONS**

6. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to Desert Springs Hospital Medical Center in the amount of \$2,168.00 (“the alleged Debt”).
7. Plaintiff disputes the alleged Debt.
8. On March 29, 2019, Plaintiff obtained her Equifax and Trans Union credit disclosures. While reviewing her credit disclosures, she noticed Defendant reporting the alleged Debt.
9. On or about May 24, 2019, Plaintiff sent Defendant a letter disputing the alleged Debt.
10. On or about June 3, 2019, Plaintiff received a response letter from Defendant. In its dispute letter, Defendant stated, “Please note, these accounts are still under review with your insurance company and patient responsibility is undetermined at this time. Once the claims are reprocessed and if there is any patient responsibility, you will be notified.”

11. On July 16, 2019, Plaintiff obtained her Equifax and Trans Union credit disclosures, which showed that Defendant failed or refused to flag the account reflected by the alleged Debt as disputed, in violation of the FDCPA.
12. In the credit reporting industry, data furnishers, such as the Defendant, communicate electronically with the credit bureaus.
13. Defendant had more than ample time to instruct Experian, Equifax, and Trans Union to flag its trade line as Disputed.
14. Defendant's inaction to have its trade line on Plaintiff's credit reports flagged as disputed was either negligent or willful.
15. Plaintiff suffered pecuniary and emotional damages as a result of Defendant's actions. Her credit report continues to be damaged due to the Defendant's failure to properly report the associated trade line.

#### **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

16. Plaintiff reincorporates the preceding allegations by reference.
17. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

18.Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in this case is a consumer debt.

19.Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

20.Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

- a. 15 U.S.C. §1692e(8) by communicating to any person credit information, which is known to be false or should be known to be false, including failure to report a disputed debt as disputed.

21.To date, and a direct and proximate cause of the Defendant's failure to honor its statutory obligations under the FDCPA, the Plaintiff has continued to suffer from a degraded credit report and credit score.

22.Plaintiff has suffered economic, emotional, general, and statutory damages as a result of these violations of the FDCPA.

**WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment against Defendant for actual damages, costs, interest, and attorneys' fees.

**DEMAND FOR JUDGMENT RELIEF**

Accordingly, Plaintiff requests that the Court grant her the following relief against the Defendant:

- a. Actual damages;

- b. Statutory damages;
- c. Statutory costs and attorneys' fees; and
- d. Exemplary and Punitive Damages for Defendant's willful violation of the Fair Debt Collection Practices Act.

**JURY DEMAND**

Plaintiff hereby demands a trial by Jury.

DATED: August 21, 2019

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